


PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P35060-P0	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2004/014667	International filing date (day/month/year) 29.09.2004	Priority date (day/month/year) 07.11.2003
International Patent Classification (IPC) or national classification and IPC H04L29/06, G06F1/00, H04N7/167		
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand 02.09.2005	Date of completion of this report 26.09.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Bengi-Akyuerek, K Telephone No. +49 89 2399-7105



**INTERNATIONAL PRELIMINARY REPORT
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-74 as originally filed

Claims, Numbers

1-32 as originally filed

Drawings, Sheets

1/32-32/32 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	6-8,15,20-29
	No: Claims	1-5,9-14,16-19,30-32
Inventive step (IS)	Yes: Claims	-
	No: Claims	1-32
Industrial applicability (IA)	Yes: Claims	1-32
	No: Claims	-

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

Reasoned statement under Article 35(2) PCT with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 The following documents cited in the International Search Report are referred to in this communication:

D1: US 2003/005135 A1 (INOUE MITSUHIRO ET AL) 2 January 2003 (2003-01-02)

D2: EP-A-1 043 878 (SONY CORP) 11 October 2000 (2000-10-11)

D3: WO 00/59150 A (MICROSOFT CORP) 5 October 2000 (2000-10-05)

D4: WO 01/95175 A (SEALEDMEDIA LTD) 13 December 2001 (2001-12-13)

- 2 The present invention relates to apparatuses (**claims 1, 30, and 31**) and a method (**claim 32**) for content reproduction control in a DRM system.
- 3 The present application does not meet the criteria mentioned in Article 33(1) PCT, because the subject-matter of independent **claims 1 and 30-32** is not novel in the sense of Article 33(2) PCT.

- 3.1 Document **D1**, which is considered to represent the closest prior art, discloses according to all the features of **claim 32** (the references in parentheses applying to this document):

A content reproduction control method used for a content reproduction control system (see Fig. 1, ref. 100) comprising a server apparatus ("Right Management Server"; Fig. 1, ref. 110) and a terminal apparatus ("Parent/Child Terminal"; Fig. 1, refs. 140, 150) that are connected to each other via a communication path (see Fig. 1, ref. 160) comprising the following steps:

(a) the server apparatus

(a1) generating control information which is based on time information attached to the content and specifies a range for permitting or prohibiting a user's predetermined operation on a content in the terminal apparatus (see, e.g., Figs. 6, 10); and

(a2) distributing the control information to the terminal apparatus (see, e.g.,

Fig. 10, ref. S1006; Fig. 16, refs. S1107, S1108);

- (b) the terminal apparatus
 - (b1) using the content (see, e.g., Fig. 19, ref. S1206); and
 - (b2) controlling a reproduction of the content being included in the content use based on the received control information (see, e.g., Fig. 19, refs. S1202-S1207).

- 3.2 As a consequence, **claim 32** does not comply with the provisions set out in Article 33(2) PCT due to lack of novelty of its subject-matter.
- 3.3 Referring to the objection raised above, **claims 1, 30, and 31** do also not comply with the requirements of Article 33(2) PCT since their subject-matter corresponds to that of **claim 32**, whereby all the method steps of **claim 32** are represented by corresponding structural features of the entire system, the server, and the terminal.
- 3.4 Moreover, it should be noted that the subject-matter of **claims 1 and 30-32** is also not novel (Article 33(2) PCT) vis-à-vis to the disclosure of documents **D2-D4** (see cited passages in the International Search Report).
- 3.5 It is pointed out that even if the Applicant were to interpret independent **claims 1 and 30-32** in such a way as to enable him to allege that their subject-matter were novel, based on minor differences between the technical features of these claims and those disclosed in documents **D1-D5**, the subject-matter of said claims would still not involve an inventive step (Article 33(3) PCT) having regard to the disclosures of said documents, especially as they disclose the same object (i.e., digital rights management based on usage time restrictions) and the same type of solution as claimed in said claims.
- 3.6 According to the Applicant, content reproduction control based on expiration date or user start/end time of the respective license as disclosed in the cited prior art may not be analogised to the feature of controlling the "range for permitting and prohibiting" the special reproduction of the content as comprised in the present independent claims. However, a usage time restriction as taught, for example, in **D1** may definitely be considered as (time) range for permitting and prohibiting the

content usage.

- 4 Additionally, dependent **claims 2-29** do not appear to contain any additional technical features which, either alone or in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty (Article 33(2) PCT) or inventive step (Article 33(3) PCT) since their subject-matters (incorporating different types of control information; employing different applications for the time information; deploying main and sub licenses; applying stream-type contents; supporting Entitlement Control Messages for digital broadcasting) are either known from the prior art (documents **D1-D4**; see cited passages in the International Search Report) or merely represent minor design options to the person skilled in the art.
- 5 In the light of the above-mentioned reasons, the present application does not comply with the criteria mentioned in Article 33(1) PCT due to lack of novelty (Article 33(2) PCT) and/or inventive step (Article 33(3) PCT) of its subject-matter.

Re Item VII

Certain defects in the International Application

- 1 The independent claims are not properly drafted in the two-part form recommended by Rule 6.3(b) PCT and do not include reference signs in parentheses to increase their intelligibility according to Rule 6.2(b) PCT.
- 2 The most relevant prior art documents are not properly acknowledged in the description part according to Rule 5.1(a)(ii) PCT.

Re Item VIII

Certain observations on the International Application

The present application does not meet the requirements of Article 6 PCT, the reasons being as follows:

The subject-matter of **claims 9-12 and 18-28**, phrased as apparatus claims, is defined by method steps rather than in terms of structural features of an apparatus. Hence, the category

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of these claims is unclear (see PCT Guidelines, 5.12).